

09-21-06

AR/JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1761  
Timothy F. Simone, Primary Examiner

Attorney Docket No.: 2522-001  
In re Patent Application of: Jeffrey M. Babicz  
Serial No.: 10/689,583  
Filing Date: October 22, 2003  
For: Chocolate Processing Machine

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 21, 2006, finally rejecting claims 1 through 12.

Applicant is a small entity (individual inventor).

Thus, the fee for filing the Notice of Appeal is \$250.00.

All fees may be charged to the Deposit Account of Heslin Rothenberg Farley & Mesiti P.C., Deposit Account Number 081-935.

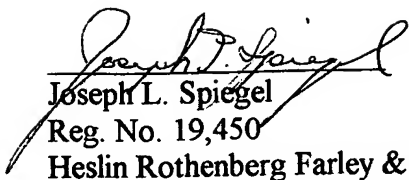
A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED.

Respectfully submitted,

Jeffrey T. Babicz

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By

  
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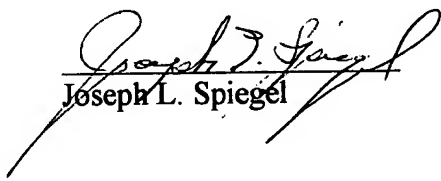
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**Certificate of Express Mailing under 37 C.F.R. 1.10**

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Date of Deposit September 20, 2006

I hereby certify that the above items are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Joseph L. Spiegel